Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Rising Star WWTP, located approximately 500 feet north of State Highway 36, one mile east of the intersection of State Highway 36 and U.S. Highway 183 - East Pioneer Street, Eastland County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 1, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,725

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$23,725

Total Paid to General Revenue: \$0 **Total Due to General Revenue:** \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: January 11, 2012 Date(s) of NOE(s): February 10, 2012

Violation Information

- 1. Failed to conduct the required quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses. Specifically, the Respondent was not conducting manganese oxide correction, duplicate analyses for chlorine residual analysis, and duplicate and standard analyses for dissolved oxygen analysis. Also, the pH buffers were expired [30 Tex. Admin. Code §§ 305.125(1), 319.6, and 319.9(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 2].
- 2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011, by September 1, 2011 [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014515001 Sludge Provisions].
- 3. Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, there was sludge and a film in the chlorine contact chamber. The alarm, fan, and leak detectors were inoperable in the chlorine building. Also, process control activities were not being conducted, including measuring dissolved oxygen levels throughout the aeration basin, adjusting sludge return rates to maintain the proper solids level in the clarifier, and conducting tests to maintain an appropriate quantity and quality of solids inventory [30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0014515001, Operational Requirements No. 1].
- 4. Failed to comply with permitted effluent limits. Specifically, the total suspended solids daily average concentration limit of 20 milligrams per liter ("mg/L") was exceeded for the monitoring periods ending March 31, 2011 (20.73 mg/L) and May 31, 2011 (21.05 mg/L). Also, the chlorine residual maximum limit of 4.0 mg/L was exceeded for the monitoring period ending April 30, 2011 (7.17 mg/L) [Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014515001, Effluent Limitations and Monitoring Requirements No. 1 and 2].
- 5. Failed to employ or contract a wastewater treatment facility operator holding a Class D license or higher. Specifically, the operator's license expired on June 13, 2011 [30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0014515001 Other Requirements No. 1].

6. Failed to conduct, at a minimum, annual calibration of the effluent flow meter [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 5].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On June 30, 2011, returned to compliance with permitted effluent limits;
- b. By January 18, 2012, contracted with a Class C licensed wastewater treatment facility operator; and
- c. On February 8, 2012, submitted the annual sludge report for the monitoring period ending July 31, 2011.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Begin conducting, at a minimum, annual calibration of the effluent flow meter;
- ii. Begin conducting process control tests and sampling at the frequencies described in Table 4 of the TCEQ Regulatory Guidance (RG-002), "Process Control Tests for Domestic Wastewater Treatment Facilities"; and
- iii. Update the operational guidance manual and conduct employee training to ensure that all quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses are conducted.
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.
- c. Within 60 days:
- i. Develop and implement a solids management plan ("SMP"). The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The SMP shall be prepared by a Texas registered professional engineer or a Class "A" TCEQ Certified Wastewater Treatment Facility Operator;

- ii. Remove and properly dispose of sludge in the chlorine contact chamber; and
- iii. Repair or replace the alarm, fan, and leak detectors in the chlorine room.
- d. Within 75 days, submit written certification of compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEO Attorney: N/A

TCEQ Enforcement Coordinator: Jacquelyn Green, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2587; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Ben Yarbrough, Mayor, City of Rising Star, P.O. Box 35,

Rising Star, Texas 76471

Respondent's Attorney: N/A

Admin. Penalty \$ L	.imit Minimum	\$0 Max	<u>cimum</u>	\$10,000	,4(++++++++++++++++++++++++++++++++++++		
	<u></u>	Penalty C	Calculati	ion Sectio	n		
TOTAL BASE PENA	LTY (Sum of vi	iolation bas	e penalti	ies)		Subtotal 1	\$2,500
ADJUSTMENTS (+	/-) TO SUBTOT	AL 1	w (Subtotal 1)	by the indicated or	recentage		
Compliance His		e rotal base reliait	90.0%	Enhancement Programment		tals 2, 3, & 7	\$2,250
Notes	Enhancement for NOVs with same/s	imilar violation					
Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
Notes	The Respo	ondent does no	t meet the	culpability crite	ria.		
Good Faith Effe	ort to Comply Tota	al Adjustment	'S			Subtotal 5	\$500
Economic Bene Approx.	Total EB Amounts Cost of Compliance	\$792 \$10,611		Enhancement* at the Total EB \$ A	mount	Subtotal 6	\$0
SUM OF SUBTOTAL	LS 1-7				F	inal Subtotal	\$4,250
OTHER FACTORS A Reduces or enhances the Final				0.0%		Adjustment	\$0
Notes							***************************************
					Final Pen	alty Amount	\$4,250
STATUTORY LIMIT	ADJUSTMENT				Final Asse	ssed Penalty	\$4,250
DEFERRAL				20.0%	Reduction	Adjustment	-\$850
Reduces the Final Assessed Pe Notes		erral offered fo			JCHOR.)		
PAYABLE PENALTY							\$3,400

Docket No. 2012-0553-MWD-E

Screening Date 27-Feb-2012

Respondent City of Rising Star Case ID No. 43738

Reg. Ent. Reference No. RN103138137
Media [Statute] Water Quality

Media [Statute] Water Quality
Enf. Coordinator Jacquelyn Green

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	ory Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	14	70%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (-	
Average Pe		centage (Sub	total 7
pliance Histo	ory Summary		
Compliance History Notes	Enhancement for 11 months of self-reported effluent violations, three NOVs with violations, and one order with denial of liability language.	ı same/similar	

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Rising	Star					
Case ID No.	43738						
Reg. Ent. Reference No.	RN103138137						
	Water Quality					Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Itom Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	EB Amount
			I mai Date		Interest Suveu	Olictime Costs	
Item Description	No commas or \$						
Delayed Costs		ir i		0.00	\$0	\$0	\$0
Equipment		4		0.00	\$0 \$0	\$0	\$0 \$0
Buildings Other (as needed)				0.00	\$0 \$0	\$0	\$0 \$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System			and the	0.00	\$0	n/a	\$0
Training/Sampling			of the State College State of	0.00	\$0	n/a	\$0
Remediation/Disposal		3.000 (4.000 (4.000)		0.00	\$0	n/a	\$0
Permit Costs		985000000000000000000000000000000000000		0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2011	30-Jun-2011	0.25	\$125	n/a	\$125
Notes for DELAYED costs	n	equired is the first	date of non-co	mplian	ce. Final date is t	plement corrective a he date of compliand	œ,
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	ied rosts)
Disposal				0.00	\$0	l \$0 l	
Personnel					at Annual Control of the Control of		\$0
		2000		0.00	\$0	\$0	\$0 \$0
				0.00	\$0	\$0 \$0	\$0 \$0 \$0
Supplies/equipment				0.00 0.00 0.00	\$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	27-Feb-2012	Docket No. 2012-0553-MWD-E	PCW
	City of Rising Star		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision October 30, 2008
Reg. Ent. Reference No. Media [Statute]			PORTAGO
Enf. Coordinator			чение
Violation Number			заногогого
		30.350(d) and 305.125(1) and TPDES No. WQ00	14515001
Promote & & & & & & & & & & & & & & & & & & &		Other Requirements No. 1	
Accommonocode			
Violation Description	D license or higher, as	ract a wastewater treatment facility operator holdi documented during an investigation conducted on cally, the operator's license expired on June 13, 20	January
		Bas	e Penalty \$10,000
>> Environmental, Proper	ty and Human Hea	Ith Matrix	new control of
>> chinionnexen, riope.	Harm		TO COLOR
Release		ate Minor	
OR Actual Potential		Percent 10%	
r occincian		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	O
>>Programmatic Matrix			
Falsification	Major Modera	ate Minor Percent 0%	
		Percent 0%	,
	not exceed levels that are	ill or could be exposed to significant amounts of po protective of human health or environmental rece result of the violation.	
		Adjustment	\$9,000
		7.0 June 11.0	
-			\$1,000
Violation Events			
	Violation Events 1	7 Number of violation	days
mark only one with an x	daily weekly monthly X quarterly	Violation Bas	e Penalty \$1,000
With the second	semiannual annual single event		
One monthly		rom the date of the investigation (January 11, 201 ompliance (January 18, 2012).	2) to the
Good Faith Efforts to Com		0% Reduction	\$250
AGA VERNANDA PARA PARA PARA PARA PARA PARA PARA PA	Before N Extraordinary	NOV to EDPRP/Settlement Offer	THE CONTRACT OF THE CONTRACT O
TO THE PROPERTY OF THE PROPERT	Ordinary x		***************************************
orange and a state of the state	N/A	(mark with x)	***************************************
	1	spondent returned to compliance by January 18, 2012.	
		Violation	Subtotal \$750
Economic Benefit (EB) for	this violation	Statutory Limit	Test
Estimat	ed EB Amount	\$119 Violation Final Pena	alty Total \$1,650
	This	s violation Final Assessed Penalty (adjusted f	or limits) \$1,650

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Rising S	Star		000000000000000000000000000000000000000			
Case ID No.	43738						
Reg. Ent. Reference No.	RN103138137	,					
	Water Quality					Percent Interest	Years of
Violation No.						Percent Interest	Depreciation
			100			5.0	15
	Thom Cook	Data Paguirod	Einal Bata	V	Interest Caucal	Onetime Costs	EB Amount
			Fillal Date	115	Titlelest Saveu	Onetime Costs	LO Amount
Item Description	No commas or \$						100
Delayed Costs		, ,		1 1		+0	
Equipment				0.00	<u>\$0</u>	\$0	\$0 +0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction				0.00	\$0 \$0	n/a	\$0 \$0
Land	l			0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling				0.00	\$0 \$0	n/a	\$0
Remediation/Disposal				0.00	\$0 \$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							100
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoi	
Disposal				0.00	\$0	\$0	\$0
Personnel	l	4		0.00	\$0	\$0 \$0	\$0 \$0
nspection/Reporting/Sampling			244.00	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]	\$111	13-Jun-2011	18-Jan-2012	1.52	\$8	\$111	\$119
Other (as needed)		1330112011	TO JUIL EVIE	0.00	\$0	\$0	\$0
Other (as needed)			<u> </u>	<u> </u>	<u> </u>	44	
Notes for AVOIDED costs	Avoided c				by the Respondent I date is the date o	. Date required is t of compliance.	he date the

Screening Date		Docket No. 2012-0553-MWD-E	PCW
The state of the s	City of Rising Star		Policy Revision 2 (September 2002)
Case ID No.	8		PCW Revision October 30, 2008
Reg. Ent. Reference No. Media [Statute]			na de la companya de
Enf. Coordinator			п
Violation Number	3		
Rule Cite(s)		305.125(1) and TPDES Permit No. WQ001451	5001,
6.000	<u> Monitorin</u>	ng and Reporting Requirements No. 5	
Victoria de la constanta de la			
Violation Description	 Control of the property of the pr	imum, annual calibration of the effluent flow $m_{ m an}$ investigation conducted on January 11, 201	. PATE 18 TO THE SERVICE SERVI
			Penalty \$10,000
>> Environmental, Proper	ty and Human Health Harm	Matrix	
Release		Minor	
OR Actual			
Potential		X Percent 5%	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
		Percent 0%	
		could be exposed to insignificant amounts of po	
Notes Which would r	nasil Proceedii da comulificatione, de distribution e edition de la compa	tective of human health or environmental recells it of the violation.	otors as a
	resu	it of the violation.	
		Adjustment	\$9,500
			\$500
,			300
Violation Events			
N	VI-1-11 F	Number of violation	dave
Number of '	Violation Events 1	Number of violation	udys
- Assets	daily		
	weekly		
mark only one	monthly		
with an x	quarterly	Violation Base	Penalty \$500
	semiannual		·
	single event x		пости
	<u> </u>		
	One single	event is recommended.	
Good Faith Efforts to Com	ply 0.0%	Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary		and the second s
	Ordinary		administrative
	N/A <u>×</u>	(mark with x)	TO STATE OF THE ST
	Notes The Respond	dent does not meet the good faith criteria for this violation.	
	C	Violation	Subtotal \$500
Economic Benefit (EB) for	this violation	Statutory Limit	Test
	ed EB Amount	\$548 Violation Final Pena	
	E	plation Final Assessed Penalty (adjusted fo	

	E	conomic	Benefit	WOI	rksneet		
Respondent	City of Rising S	Star					
Case ID No.	43738						
eg. Ent. Reference No.	RN103138137						
	Water Quality				!		Years of
Violation No.						Percent Interest	Depreciation
Violation No.	3					5.0	15
			E116-4-			Onetime Costs	EB Amount
		Date Required	Final Date	115	Interest Saveu	Onetime Costs	ED AIIIUUIIL
Item Description	No commas or \$						
Delayed Costs_							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		DOMESTIC SERVICES		0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
		(7F [1] avoided	racte hotare				
Avoided Costs	ANNUAL	TELLI avoided	COSTS DCIOIC			for one-time avoid	
Disposal	ANNUAL	LL [1] avoidet	COSCS DEIDIC	0.00	\$0	\$0	\$0
Disposal Personnel	ANNOAL		23373101-	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel spection/Reporting/Sampling	AUNUAL			0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNOAL			0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$500	12-Jan-2011	12-Jan-2012	0.00 0.00 0.00 0.00 0.00 1.92	\$0 \$0 \$0 \$0 \$0 \$0 \$48	\$0 \$0 \$0 \$0 \$0 \$0 \$500	\$0 \$0 \$0 \$0 \$0 \$548
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$500	12-Jan-2011	12-Jan-2012 prate the meter	0.00 0.00 0.00 0.00 0.00 1.92 0.00	\$0 \$0 \$0 \$0 \$0 \$48 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$500	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$548

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 13-Feb-2012 PCW 27-Feb-2012 Screening 27-Feb-2012 EPA Due RESPONDENT/FACILITY INFORMATION Respondent City of Rising Star Reg. Ent. Ref. No. RN103138137 Major/Minor Source Minor Facility/Site Region 3-Abilene CASE INFORMATION Enf./Case ID No. 43738 No. of Violations 4 Docket No. 2012-0553-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit Yes Multi-Media Enf. Coordinator Jacquelyn Green EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

		Penalty Ca	alculation	Section	n		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
TOTAL BASE PENA	LTY (Sum of v	iolation base	penalties)		1	Subtotal 1	\$10,250
ADJUSTMENTS (+ Subtotals 2-7 are o	/-) TO SUBTOT		(Subtotal 1) by the	indicated pe	rcentage.		
Compliance Hi	story		90.0% Enhan	cement	Subt	otals 2, 3, & 7	\$9,225
Notes	Enhancement for NOVs with same/s	imilar violations,					
Culpability	No		0.0% Enhan	cement		Subtotal 4	\$0
Notes	The Resp	ondent does not	meet the culpab	ility criter	ia.		
Good Faith Eff	ort to Comply Tot	al Adjustments				Subtotal 5	\$0
Economic Ben Approx	efit Total EB Amounts Cost of Compliance	\$253 \$6,300	0.0% Enhance *Capped at the		mount	Subtotal 6	\$0
SUM OF SUBTOTA	LS 1-7				ı	Final Subtotal	\$19,475
OTHER FACTORS A Reduces or enhances the Fina				0.0%		Adjustment	\$0
Notes					en salvar iz Para		
,					Final Pe	nalty Amount	\$19,475
STATUTORY LIMI	「ADJUSTMENT			100	Final Asse	essed Penalty	\$19,475
DEFERRAL Reduces the Final Assessed Pe	enalty by the indicated pe	rcentage. <i>(Enter nui</i>		20.0% or 20% redu	Reduction	Adjustment	-\$3,895
Notes	Def	erral offered for	expedited settle	ment.			
PAYABLE PENALT	1					-	\$15,580

PCW

Policy Revision 3 (September 2011)
PCW Revision August 3, 2011

Respondent City of Rising Star Case ID No. 43738

Reg. Ent. Reference No. RN103138137

Media [Statute] Water Quality

Enf. Coordinator Jacquelyn Green

Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	14	70%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
eat Violator (Adjustment Per	centage (Sub	total 2
No	Adjustment Per	centage (Sub	total 3
pliance Histo	ory Person Classification (Subtotal 7)		
Average Pe	Adjustment Per	centage (Sub	total 7
pliance Histo	ory Summary		
Compliance History Notes	Enhancement for 11 months of self-reported effluent violations, three NOVs with violations, and one order with denial of liability language.	same/similar	
	Total Compliance History Adjustment Percentage (S		

	ening Date		Doc	ket No. 2012-055	3-MWD-E	PCW
		City of Rising Star			Policy Revisi	on 3 (September 2011)
	Case ID No.				PCW F	tevision August 3, 2011
Reg. Ent. Re						
	a [Statute]					
	oorginator ation Number	Jacquelyn Green				
VIOI	Rule Cite(s)	***************************************	Code §§ 305.125(1), 319) 6 and 210 0/d) as	od Toyac Bollutant	
	Rule Cite(s)	Discharge Elimi	nation System Permit (" Monitoring and Reportin	TPDES") Permit No. 1	WQ0014515001,	
Violatio	on Description	Failed to conduct t chlorine residu investigation condu conducting mang	he required quality assu lai and dissolved oxygen licted on January 11, 20 anese oxide correction, cate and standard analy the pH buffers v	rance and quality con analyses, as docume 12. Specifically, the duplicate analyses for ses for dissolved oxy	ntrol procedures for ented during an Respondent was not ir chlorine residual	
					Base Penalty	\$25,000
>> Environme	ntal, Proper	ty and Human				
	Dalana		Harm			
OR	Release Actual	Major Mo	oderate Minor			
9 10	Potential		x	Percent	5.0%	
>>Programma	tic Matrix					
Fiogramma	Falsification	Major Mo	oderate Minor			
				Percent	0.0%	
	Human heal	th or the environme	nt will or could be expos	ed to significant amo	unts of pollutants	
Matrix Notes			t are protective of huma result of the violatio	n health or environm		
				Adjustment	\$23,750	
				AMJUSTINEIL	323,730	
						\$1,250
Violation Even	ts				100	
	Number of V	iolation Events	1	47 Number of	f violation days	
	mark only one with an x	daily weekly monthly quarterly semiannual	×	Viol	ation Base Penalty[\$1,250
		annual single event				***************************************
	One quarterly		led from the investigatio screening (February 27,		2012) to the date of	The second secon
Good Faith Effo	orts to Comp	oly	0.0% Reduction			\$0
		Extraordinary Bei	fore NOV NOV to EDPRP/Set	ttlement Offer		and the second
		· ·				
		Ordinary N/A	X (mark with x)			Proceedings
			Respondent does not m		iteria for	was a second
			unis Vi	olation.		
-					Violation Subtotal	\$1,250
Economic Bene	fit (EB) for	this violation		Statuto	ry Limit Test	
	Estimate	d EB Amount	\$10	Violation F	inal Penalty Total	\$2,375
			This violation Final As	sessed Penalty (a	djusted for limits)	\$2,375

eg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
Violation No.	1					5.0	
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	15 EB Amount
Item Description			I mai Date	****	Interest Saveu	Officiality Costs	LD Amount
Delayed Costs						100	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land	100	100		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	11-Jan-2012	31-Oct-2012	0.81	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs			CONTRACTOR	39243 3749746			
				0.00	\$0	n/a	\$0
Other (as needed)				0.00 and co	\$0 Induct employee to	n/a raining to ensure all	
Other (as needed) Notes for DELAYED costs	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	0.00 and co ed oxy Final o	\$0 anduct employee to gen and chlorine re date is the expecte	n/a raining to ensure all esidual analyses are ed date of compliance	\$0 quality control done. Date e.
Other (as needed) Notes for DELAYED costs Avoided Costs	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	0.00 and co ed oxy Final c	\$0 Induct employee to gen and chlorine rolate is the expected grant (except)	n/a raining to ensure all esidual analyses are ed date of complianc for one-time avoic	\$0 quality control done. Date ce, led costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	and co ed oxy Final co enterir 0.00	\$0 Induct employee to gen and chlorine redate is the expected of the except \$0	n/a raining to ensure all esidual analyses are ed date of complianc for one-time avoic \$0	\$0 quality control done. Date e. led costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	o.oo and co ed oxy Final o nterir 0.00 0.00	\$0 anduct employee to gen and chlorine redate is the expected of the expected	n/a raining to ensure all esidual analyses are ed date of compliand for one-time avoic \$0 \$0	\$0 quality control done. Date e.e. led costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	o.oo and co ed oxyr Final co enterir 0.00 0.00 0.00	\$0 unduct employee to gen and chlorine relate is the expected so the expected	n/a raining to ensure all esidual analyses are ed date of compliance for one-time avoic \$0 \$0 \$0	quality control done. Date i.e. led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel espection/Reporting/Sampling Supplies/equipment	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	0.00 and co ed oxyg Final co enterir 0.00 0.00 0.00 0.00	\$0 Induct employee to gen and chlorine redate is the expected of the expected	n/a raining to ensure all esidual analyses are ed date of compliance for one-time avoic \$0 \$0 \$0 \$0 \$0	quality control done. Date i.e. led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	0.00 and co ed oxyg Final co enterin 0.00 0.00 0.00 0.00 0.00	\$0 Induct employee to gen and chlorine redate is the expected so the expected	n/a raining to ensure all esidual analyses are ed date of compliance for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	quality control of done. Date i.e. so the costs of the c
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	0.00 and coed oxye Final coenterin 0.00 0.00 0.00 0.00 0.00 0.00	\$0 anduct employee to gen and chlorine redate is the expected so	n/a raining to ensure all esidual analyses are ed date of compliand for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	quality control done. Date e.e. so s
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	0.00 and co ed oxyg Final co enterin 0.00 0.00 0.00 0.00 0.00	\$0 Induct employee to gen and chlorine redate is the expected so the expected	n/a raining to ensure all esidual analyses are ed date of compliance for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	quality control done. Date e.e. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	and quality r	assurance proced equired is the inv	lures for dissolv estigation date.	0.00 and coed oxye Final coenterin 0.00 0.00 0.00 0.00 0.00 0.00	\$0 anduct employee to gen and chlorine redate is the expected so	n/a raining to ensure all esidual analyses are ed date of compliand for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	quality control quality contro

Screening Date	27-Feb-2012	Docket	No. 2012-0553-MWD-E	PCW
	City of Rising Star			Policy Revision 3 (September 2011)
Case ID No.				PCW Revision August 3, 2011
Reg. Ent. Reference No. Media [Statute]				
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin. C		5.125(17) and TPDES Perm	it No.
***************************************		WQ0014515001 Sludg	je Provisions	
NOT THE COLUMN				
Violation Description			ort for the monitoring perio ocumented during an invest	
		conducted on January		· · · · · · · · · · · · · · · · · · ·
- Control of the Cont				
No. of the Contract of the Con			Bas	e Penalty \$25,000
>> Environmental, Proper	ty and Human Hi	ealth Matrix		
	Ha	ırm		
Release		erate Minor		
OR Actual Potential			Percent 0.0%	
rotential	<u> </u>		Percent 0.070]	
>>Programmatic Matrix				
Falsification	Major Mode	erate Minor		***************************************
	<u> </u>	×	Percent 1.0%	
Matrix	At least 70)% of the rule requiremen	t was met.	
Notes				

			Adjustment	\$24,750
				\$250
Violation Events				
Number of \	Violation Events	i 10	Number of violation	days
e and a second				*
7	daily			
**	weekly monthly			
mark only one	quarterly		Violation Base	Penalty \$250
with an x	semiannual			
·	annual			V
	single event	×		
	One	single event is recommen	ded.	
		-		
Good Faith Efforts to Comp		0.0% Reduction e NOV NOV to EDPRP/Settlem	ent Offer	\$0
months of the second of the se	Extraordinary	e NOV NOV to EDFRF/ Settletil	ient one	openaanie and
-	Ordinary			
TOPO TOPO TOPO TOPO TOPO TOPO TOPO TOPO		x (mark with x)		
obieszajónak	The B	espondent does not meet	the good faith criteria for	
ofonomen	Notes "" "	this violati		The state of the s
TOTAL				
**************************************			Violation	Subtotal \$250
Economic Benefit (EB) for	this violation		Statutory Limit	Test
Fetimate	ed EB Amount	\$1	Violation Final Pena	Ity Total \$475
Louinact	***************************************			-
	Ti	his violation Final Asses	ssed Penalty (adjusted fo	or limits) \$475

	E	conomic l	Benefit	Wo	rksheet		100000000000000000000000000000000000000
Respondent	City of Rising	Star	00.000 00 00 00 00 00 00 00 00 00 00 00				***************************************
Case ID No.	43738						
ea. Ent. Reference No.	RN103138137	•					
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
Figure 1	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment		1 1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		 		0.00	\$0 \$0	\$0 \$0	\$0
Engineering/construction			_	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
,,							
Permit Costs		1 1		0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$50 Estimated co	1-Sep-2011	8-Feb-2012	0.00 0.44 eport.	\$0 \$1 Date required is t	n/a n/a he date the report v	\$0 \$1 vas due. Final
	Estimated co	sts to submit the a	annual sludge r date is the dat	0.44 eport. e the re	\$1 Date required is t eport was submitte	n/a he date the report v ed.	\$1 vas due. Final
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	sts to submit the a	annual sludge r date is the dat	0.44 eport. e the re	\$1 Date required is teport was submitted ing item (except i	n/a he date the report v ed. for one-time avoic	\$1 was due. Final ded costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	sts to submit the a	annual sludge r date is the dat	eport. e the re enterir 0.00	\$1 Date required is teport was submitted or item (except in the second	n/a he date the report v ed. for one-time avoid \$0	\$1 was due. Final ded costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	sts to submit the a	annual sludge r date is the dat	eport. e the re enterir 0.00 0.00	\$1 Date required is teport was submitted to the submitte	n/a he date the report ved. for one-time avoid \$0 \$0	\$1 vas due. Final ded costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling	Estimated co	sts to submit the a	annual sludge r date is the dat	eport. e the re enterir 0.00 0.00 0.00	\$1 Date required is to eport was submitted in gitem (except in \$0 \$0 \$0	n/a the date the report ved. for one-time avoid \$0 \$0 \$0 \$0	\$1 vas due. Final ded costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel rspection/Reporting/Sampling Supplies/equipment	Estimated co	sts to submit the a	annual sludge r date is the dat	eport. e the re enterir 0.00 0.00 0.00 0.00	\$1 Date required is to eport was submitted as \$0 \$0 \$0 \$0 \$0 \$0	n/a the date the report ved. for one-time avoic \$0 \$0 \$0 \$0 \$0	\$1 was due. Final led costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	sts to submit the a	annual sludge r date is the dat	0.44 eport. e the re enterir 0.00 0.00 0.00 0.00	\$1 Date required is to eport was submitted as to submitted as the submitted as to submitted as the submitted as to submitted as the submitted as the submitted as the submitted as the submit	n/a he date the report ved. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 was due. Final led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel respection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	sts to submit the a	annual sludge r date is the dat	enterir 0.00 0.00 0.00 0.00 0.00 0.00	\$1 Date required is to eport was submitted to submitted	n/a he date the report ved. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 was due. Final led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	sts to submit the a	annual sludge r date is the dat	0.44 eport. e the re enterir 0.00 0.00 0.00 0.00	\$1 Date required is to eport was submitted as to submitted as the submitted as to submitted as the submitted as to submitted as the submitted as the submitted as the submitted as the submit	n/a he date the report ved. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 was due. Final led costs) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	sts to submit the a	annual sludge r date is the dat	enterir 0.00 0.00 0.00 0.00 0.00 0.00	\$1 Date required is to eport was submitted to submitted	n/a he date the report ved. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 was due. Final led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	sts to submit the a	annual sludge r date is the dat	enterir 0.00 0.00 0.00 0.00 0.00 0.00	\$1 Date required is to eport was submitted to submitted	n/a he date the report ved. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$1 was due. Final led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Screening Date		Docke	et No. 2012-0553-MWD-E	457757000000000000000000000000000000000	PCW
Respondent Case ID No.	City of Rising Star				3 (September 2011)
Reg. Ent. Reference No.				PCW Re	vision August 3, 2011
Media [Statute]					
Enf. Coordinator					
Violation Number Rule Cite(s)	I the same of the	ode 8 305 125(1) and 3	805.125(5) and TPDES Perm	it No.	albana de la companya
	a contract the contract to the	14515001, Operationa			
	Failed to properly ope	rate and maintain all fa	cilities and systems of treatr	ment and	
· ·	control, as document	ed during an investigal	ion conducted on January 1:	1, 2012.	
Violation Description			the chlorine contact chambe ducted, including measuring		
•	oxygen levels throu	ghout the aeration bas	in, adjusting sludge return r	ates to	
	** CONTROL CON	ilids level in the clarifier oriate quantity and qual	, and conducting tests to m ity of solids inventory.	aintain an	
	.,,,,				e e e e e e e e e e e e e e e e e e e
directions			Bas	e Penalty	\$25,000
>> Environmental, Proper	tv and Human He	alth Matrix			all as to the state of the stat
	Hari	m			**************************************
OR Release	Major Moder	ate Minor			PARKET NAME OF THE PARKET NAME O
Potential			Percent 5.0%		
>>Programmatic Matrix					·
Falsification	Major Moder	ate Minor			**************************************
			Percent 0.0%		
Human heal	lth or the environment w	vill or could be exposed	to significant amounts of po	llutants	and the state of t
Matriy II		XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	nealth or environmental rece		days reduces
Notes		result of the violation.			A Control of the Cont
			Adjustment	\$23,750	· ·
					\$1,250
				<u>L</u>	\$1,250
Violation Events			Section 1		
Number of V	/iolation Events 1		47 Number of violation	days	·
		ROOMBOOK .			devolucionistatos
**************************************	daily weekly				orranderana
mark only one	monthly				WANTED
mark only one with an x	quarterly x		Violation Base	Penalty	\$1,250
one of the state o	semiannual annual				out-out-out-out-out-out-out-out-out-out-
Ven nicestative.	single event				hi hi hi da a a a a a a a a a a a a a a a a a a
		ek i el el			renous as as a source of the s
One quarterly	14.15. C116.C116.G14A.Y11.AA.41G1CCCYY.SOZ1GGGGGGGGGG	ening (February 27, 20	late (January 11, 2012) to th 12).	ie date or	PARAMETERS
Card Saith Efforts to Card	at a	00/ Dad all			\$0
Good Faith Efforts to Comp	Before N	Reduction NOV to EDPRP/Settler	ment Offer		- PO
Anadosaries	Extraordinary				HILIPATANA
***************************************	Ordinary N/A ×	(mark with x)			Venivoveren
			t the good faith criteria for		dendelimee
	Notes	this viola			WATA
				Cuba and I	#1 250
			Violation	1	\$1,250
Economic Benefit (EB) for	this violation		Statutory Limit	Test	
Estimate	d EB Amount	\$141	Violation Final Pena	Ity Total	\$2,375
	This	s violation Final Asse	ssed Penalty (adjusted fo	r limits)	\$2,375

		CONOMIC	Benefit	AA O	rksneet		
Respondent Case ID No.	43738						
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	9					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$ 0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1.500	11-Jan-2012	31-Oct-2012	0.81	\$60	n/a	\$60
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	11-Jan-2012	31-Oct-2012	0.81	\$81	n/a	\$81
Notes for DELAYED costs				,000 01		hlorine contact chan	iliber and to
		solids manageme	expecte	equired d date	I is the date of the of compliance.	investigation. Fina	date is the
Avoided Costs		solids manageme	expecte	equired d date enterir	is the date of the of compliance. In the date of the of compliance.	investigation. Fina	l date is the
Avoided Costs Disposal		solids manageme	expecte	equired d date enterin 0.00	I is the date of the of compliance. ng item (except \$0	investigation. Fina for one-time avoid \$0	I date is the led costs) \$0
Avoided Costs Disposal Personnel		solids manageme	expecte	equired date enterir 0.00	Is the date of the of compliance. ng item (except \$0 \$0	investigation. Fina for one-time avoid \$0 \$0	l date is the led costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling		solids manageme	expecte	equired date nterir 0.00 0.00	Is the date of the of compliance. Ing Item (except \$0 \$0 \$0 \$0	investigation. Fina for one-time avoid \$0 \$0 \$0	l date is the led costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment		solids manageme	expecte	equired date enterir 0.00 0.00 0.00	Is the date of the of compliance. Ing item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		solids manageme	expecte	equired date of the content of the c	Is the date of the of compliance. In gitem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date is the
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		solids manageme	expecte	enterir 0.00 0.00 0.00 0.00 0.00	Is the date of the of compliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		solids manageme	expecte	equired date of the content of the c	Is the date of the of compliance. In gitem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date is the
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		solids manageme	expecte	enterir 0.00 0.00 0.00 0.00 0.00	Is the date of the of compliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	ALL CONTROL OF THE PROPERTY OF	PCW
	· ·	olicy Revision 3 (September 2011)
Case ID No.		PCW Revision August 3, 2011
Reg. Ent. Reference No.		
Media [Statute]		o o o o o o o o o o o o o o o o o o o
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 305.125(5) and TPDES Permit WQ0014515001, Operational Requirements No. 1	No.
	WQ0014313001, Operational Requirements No. 1	
Violation Description	Specifically, the alarm, fan, and leak detectors were inoperable in the child	2012. orine
		Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix Harm	verece e e e e e e e e e e e e e e e e e
Release	Major Moderate Minor	
OR Actual		
Potential	X Percent 15.0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
TalsiiiCacion	Percent 0.0%	
<u> </u>		
	or the environment will or could be exposed to pollutants which would excee	
Notes that are pr	rotective of human health or environmental receptors as a result of the violat	on.
1000	Adjustment	21,250
		\$3,750
Violation Events		
VIOIATION EVENTS		
Number of V	/iolation Events 2 47 Number of violation da	vs
	the second secon	•
	daily	
	weekly	
mark only one	monthly x	
mark only one with an x	quarterly Violation Base I	Penalty \$7,500
	semiannual	
	annual	
	single event	
Two monthly e	vents are recommended from the date of the investigation (January 11, 2012) to the
	date of screening (February 27, 2012).	
Good Faith Efforts to Comp	oly 0.0% Reduction	\$0
•	Before NOV NOV to EDPRP/Settlement Offer	<u> </u>
	Extraordinary	
	Ordinary	
	N/A x (mark with x)	
	The Beengardest days at weather and fine as	
	Notes The Respondent does not meet the good faith criteria for this violation.	delimina
	CHS VIOIDUUTA	***************************************
	Violation S	ubtotal \$7,500
Economic Benefit (EB) for	this violation Statutory Limit T	est
Estimate	d EB Amount \$101 Violation Final Penalt	y Total \$14,250
	This violation Final Assessed Penalty (adjusted for	limits) \$14,250

			Benefit [®]		INSHEEL		and the second
Respondent		Star					
Case ID No.							
eg. Ent. Reference No.							
	Water Quality			*		Percent Interest	Years of
Violation No.	4						Depreciation
	100	30				5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs						22	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land		30.0		0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	11-Jan-2012	31-Oct-2012	0.81	\$101	n/a	\$101
	Estimated cos	t to repair or repla	ace the fan, ala	m. and	d leak detector in t	the chlorine room. [Date required is
Notes for DELAYED costs Avoided Costs		the investiga	tion date. Final	date is	s the expected dat	the chlorine room. It is of compliance.	
Notes for DELAYED costs Avoided Costs Disposal		the investiga	tion date. Final	date is	s the expected dat	e of compliance.	
Avoided Costs		the investiga	tion date. Final	date is	s the expected dat	e of compliance.	led costs)
Avoided Costs Disposal Personnel		the investiga	tion date. Final	date is	s the expected dat ng item (except \$0	e of compliance. for one-time avoid \$0	led costs) \$0
Avoided Costs Disposal Personnel		the investiga	tion date. Final	enterir 0.00 0.00	s the expected dat ng item (except \$0 \$0	e of compliance. for one-time avoid \$0 \$0	led costs) \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling		the investiga	tion date. Final	0.00 0.00 0.00	s the expected dat ing item (except \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment		the investiga	tion date. Final	0.00 0.00 0.00 0.00	s the expected dat ng item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		the investiga	tion date. Final	0.00 0.00 0.00 0.00 0.00	s the expected date ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		the investiga	tion date. Final	0.00 0.00 0.00 0.00 0.00 0.00	s the expected dat ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		the investiga	tion date. Final	0.00 0.00 0.00 0.00 0.00 0.00	s the expected date of the exp	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		the investiga	tion date. Final	0.00 0.00 0.00 0.00 0.00 0.00	s the expected dat ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History Report Customer/Respondent/Owner-Operator: CN600649727 City of Rising Star Classification: Rating: 3.97 **AVERAGE** Regulated Entity: RN103138137 CITY OF RISING STAR WWTP Classification: AVERAGE Site Rating: 5.91 **WASTEWATER FPAID** TX0075604 ID Number(s): **WASTEWATER PERMIT** WQ0014515001 **WASTEWATER EPAID** TX0075604 Location: LOCATED APPROXIMATELY 500 FEET NORTH OF STATE HIGHWAY 36, ONE MILE EAST OF THE INTERSECTION OF STATE HIGHWAY 36 AND US HIGHWAY 183 - EAST PIONEER STREET EASTLAND COUNTY, TEXAS TCEQ Region: **REGION 03 - ABILENE** February 27, 2012 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement February 27, 2007 to February 27, 2012 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Jacquelyn Green Phone: (512) 239-2587 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? YES 2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO 3. If YES, who is the current owner/operator? N/A 4. If YES, who was/were the prior owner(s)/operator(s)? N/A 5. If YES, when did the change(s) in owner or operator occur? N/A Rating Date: 9/1/2011 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. A Effective Date: 06/19/2008 ADMINORDER 2007-1728-WQ-E Classification: Major Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) Ramt Prov WQ0014515001/Permit Condition 2g, page 7 PERMIT

Description: Failure to prevent the unauthorized discharge of sewage into or adjacent to any water in the state.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)

WQ0014515001/Reporting Requirement 7b PERMIT

Description: Failure to notify the TCEQ Regional Office of the unauthorized discharge within 24 hours of becoming aware

of the discharge.

Any criminal convictions of the state of Texas and the federal government. В

N/A

C. Chronic excessive emissions events.

N/A

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

> 09/14/2007 (571069)2 07/13/2007 (593308)3 08/06/2007 (623471)08/06/2007 (623472)

5	08/06/2007	(623473)
6	08/06/2007	(623474)
7	08/06/2007	(623475)
8	08/17/2007	(623476)
9	08/17/2007	(623477)
10	08/17/2007	(623478)
11	08/17/2007	(623479)
12	08/07/2007	(623480)
13	07/02/2008	(685138)
14	06/06/2008	(693107)
15	06/06/2008	(693108)
16	06/06/2008	(693109)
17	10/02/2008	(704443)
18	02/13/2009	(722482)
19	06/30/2009	(749672)
20	03/13/2009	(753528)
21	03/06/2009	(753529)
22	03/06/2009	(753530)
23	04/20/2009	(753531)
24	03/06/2009	(753532)
25	03/16/2009	(753533)
26	03/06/2009	(753534)
27	03/06/2009	(753535)
28	03/13/2009	(753536)
29	03/13/2009	(753537)
30	03/13/2009	(753538)
31	03/13/2009	(753539)
32	03/13/2009	(753540)
33	03/13/2009	(770996)
34	03/13/2009	(770997)
35	05/18/2009	(770998)
36	02/22/2010	(812842)
37	08/17/2009	(812843)
38	09/16/2009	(812844)
39	10/15/2009	(812845)
40	11/16/2009	(812846)
41	12/23/2009	(812847)
42	07/11/2011	(937153)
43	02/10/2012	(983467)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/13/2007 (593308)

CN600649727

Self Report? NO

Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Cla

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Description: Self Report? NO

NON-RPT VIOS FOR MONIT PER OR PIPE

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report?

NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NO Self Report?

NON-RPT VIOS FOR MONIT PER OR PIPE

Citation:

Description:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE

NO Self Report?

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification:

Citation: 30 TAC Chapter 305, SubChapter F 305,125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 10/19/2007 CN600649727 (598342)

Classification: Self Report? NO Major

Citation: 30 TAC Chapter 290, SubChapter D 290,46(e)(3)(B)

> 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(B) 30 TAC Chapter 30, SubChapter J 30.331(a)(1) 30 TAC Chapter 30, SubChapter K 30.381(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014515001/OTHER REQUIREMENTS 1 PERMIT

Description: Failure by the City to employ a water works operator holding a valid Class "C" or higher

operator's license and a wastewater operator holding a valid Class "D" or higher

operator's license.

Date 11/30/2007

(753539)

CN600649727

Classification:

Self Report? YES 2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date 12/31/2007 (753540)CN600649727

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter Date 01/31/2008 (753528)CN600649727

Self Report? Classification: Moderate YES

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Citation:

Failure to meet the limit for one or more permit parameter

Date 02/29/2008

CN600649727

YES Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 05/31/2008

(753533)

(753529)

CN600649727

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Date 01/31/2009

(770996)

Failure to meet the limit for one or more permit parameter CN600649727

Self Report?

Classification:

Classification:

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

Description: Date 02/13/2009

NO

(722482)

CN600649727

Moderate

Moderate

Self Report? Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Operational Requirements PERMIT

Description:

Citation:

Failure to provide adequate safeguards in the event of an electrical power failure.

Self Report? NO

30 TAC Chapter 319, SubChapter A 319.1

Monitoring and Reporting Requirements PERMIT

Description:

Failure to submit discharge monitoring reports (DMRs).

NO Self Report?

Classification:

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Sludge Provisions PERMIT

Description:

Description:

Failure to submit the Annual Sludge Report for 2007-2008 by September 1, 2008.

Self Report? NO Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Minor

Citation:

30 TAC Chapter 319, SubChapter A 319.7(c)

Monitoring and Reporting Requirements PERMIT

Self Report? NO Failure to provide at least three years of effluent monitoring records. Classification: Moderate

Citation:

30 TAC Chapter 319, SubChapter A 319.7(a)

Monitoring and Reporting Requirements PERMIT

Description:

Failure to maintain accurate records.

Self Report? Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations Requirements PERMIT

Description:

Failure to maintain proper effluent chlorine residual levels.

NO Self Report?

Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Monitoring and Reporting Requirements PERMIT

Description:

Citation:

Failure to properly maintain flow meter.

Self Report? NO

NO

30 TAC Chapter 319, SubChapter A 319.11(a)

WQ0014515001 PERMIT

Description:

Failure to provide a NIST traceable thermometer for the sample storage refrigerator.

Date 03/31/2009

(753531)

CN600649727

Classification: Moderate

Self Report? Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

CN600649727

Date 11/30/2009 Self Report? YES (812847)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 03/31/2011

CN600649727

Citation:

Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 04/30/2011

CN600649727

Self Report? YES

Moderate

Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date 05/31/2011 Self Report? YES CN600649727

Classification:

Classification:

Classification:

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Environmental audits. F.

N/A

Type of environmental management systems (EMSs). G.

Voluntary on-site compliance assessment dates. H.

Participation in a voluntary pollution reduction program.

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF RISING STAR	§	
RN103138137	§	ENVIRONMENTAL QUALITY
	9	

AGREED ORDER DOCKET NO. 2012-0553-MWD-E

I. JURISDICTION AND STIPULATIONS

On _________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Rising Star ("the Respondent") under the authority of Tex. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located approximately 500 feet north of State Highway 36, one mile east of the intersection of State Highway 36 and United States Highway 183 East Pioneer Street in Eastland County, Texas (the "Facility").
- 2. The Respondent has discharged municipal waste into or adjacent to any water in the state under Tex. Water Code ch. 26.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 15, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Three Thousand Seven Hundred Twenty-Five Dollars (\$23,725) is justified by the facts recited in this Agreed Order, and

considered in light of the factors set forth in Tex. Water Code § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all of the administrative penalty. Therefore, Twenty-Three Thousand Seven Hundred Twenty-Five Dollars (\$23,725) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. Admin. Code § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On June 30, 2011, returned to compliance with permitted effluent limits;
 - b. By January 18, 2012, contracted with a Class C licensed wastewater treatment facility operator; and
 - c. On February 8, 2012, submitted the annual sludge report for the monitoring period ending July 31, 2011.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to conduct the required quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1), 319.6, and 319.9(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 2,

an investigation conducted on January 11, 2012. Specifically, the Respondent was not conducting manganese oxide correction, duplicate analyses for chlorine residual analysis, and duplicate and standard analyses for dissolved oxygen analysis. Also, the pH buffers were expired.

- 2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2011, by September 1, 2011, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014515001 Sludge Provisions, as documented during an investigation conducted on January 11, 2012.
- 3. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 Tex. Admin. Code § 305.125(1) and 305.125(5) and TPDES Permit No. WQ0014515001, Operational Requirements No. 1, as documented during an investigation conducted on January 11, 2012. Specifically, there was sludge and a film in the chlorine contact chamber. The alarm, fan, and leak detectors were inoperable in the chlorine building. Also, process control activities were not being conducted, including measuring dissolved oxygen levels throughout the aeration basin, adjusting sludge return rates to maintain the proper solids level in the clarifier, and conducting tests to maintain an appropriate quantity and quality of solids inventory.
- 4. Failed to comply with permitted effluent limits, in violation of Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014515001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during an investigation conducted on January 11, 2012. Specifically, the total suspended solids daily average concentration limit of 20 milligrams per liter ("mg/L") was exceeded for the monitoring periods ending March 31, 2011 (20.73 mg/L) and May 31, 2011 (21.05 mg/L). Also, the chlorine residual maximum limit of 4.0 mg/L was exceeded for the monitoring period ending April 30, 2011 (7.17 mg/L).
- 5. Failed to employ or contract a wastewater treatment facility operator holding a Class D license or higher, in violation of 30 Tex. ADMIN. CODE §§ 30.350(d) and 305.125(1) and TPDES Permit No. WQ0014515001 Other Requirements No. 1, as documented during an investigation conducted on January 11, 2012. Specifically, the operator's license expired on June 13, 2011.
- 6. Failed to conduct, at a minimum, annual calibration of the effluent flow meter, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 5, as documented during an investigation conducted on January 11, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rising Star, Docket No. 2012-0553-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin conducting, at a minimum, annual calibration of the effluent flow meter, in accordance with TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 5;
 - ii. Begin conducting process control tests and sampling at the frequencies described in Table 4 of the TCEQ Regulatory Guidance (RG-002), "Process Control Tests for Domestic Wastewater Treatment Facilities"; and
 - iii. Update the operational guidance manual and conduct employee training to ensure that all quality assurance and quality control procedures for chlorine residual and dissolved oxygen analyses are conducted, in accordance with 30 Tex. Admin. Code § 319.6 and 319.9(d) and TPDES Permit No. WQ0014515001, Monitoring and Reporting Requirements No. 2.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.a.i through 2.a.iii. The certification shall be in accordance with Ordering Provision No. 2.e below.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Develop and implement a solids management plan ("SMP"). The SMP shall identify the appropriate range of solids to be maintained throughout the treatment units at the Facility and outline a program of internal process control testing to monitor the efficiency of the wastewater treatment and to maintain the proper solids balance at the Facility. The

City of Rising Star DOCKET NO. 2012-0553-MWD-E Page 5

SMP shall be prepared by a Texas registered professional engineer or a Class "A" TCEQ Certified Wastewater Treatment Facility Operator;

- ii. Remove and properly dispose of sludge in the chlorine contact chamber; and
- iii. Repair or replace the alarm, fan, and leak detectors in the chlorine room.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.c.i through 2.c.iii. The certification shall be in accordance with Ordering Provision No. 2.e below.
- e. The written certification of compliance required by Ordering Provisions Nos. 2.b and 2.d shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Abilene Regional Office Texas Commission on Environmental Quality 1977 Industrial Boulevard Abilene, Texas 79602-7833

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a

City of Rising Star DOCKET NO. 2012-0553-MWD-E Page 6

violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission. including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Permo Nover For the Executive Director	12/17/14 Date
agree to the attached Agreed Order on behal	nd the attached Agreed Order. I am authorized to f of the entity indicated below my signature, and I d therein. I further acknowledge that the TCEQ, in materially relying on such representation.
 and/or failure to timely pay the penalty amou A negative impact on compliance history Greater scrutiny of any permit applicate Referral of this case to the Attorney additional penalties, and/or attorney for a linereased penalties in any future enformation. Automatic referral to the Attorney Great and TCEQ seeking other relief as authorized 	ory; tions submitted; y General's Office for contempt, injunctive relief, ees, or to a collection agency; rement actions; eneral's Office of any future enforcement actions;
Signature Signature	Date 24, 2014
Name (Printed or typed) Authorized Representative of City of Rising Star	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.